

# EXHIBIT "1"

Aidan W. Butler (SBN 208399)  
Attorney at Law  
3540 Wilshire Blvd. Suite 1030  
Los Angeles, California 90010  
Telephone: (213) 388-5168  
Telecopier: (213) 388-5178

Attorneys for Plaintiff CATHERINE BUI

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CATHERINE BUI, an individual,  
Plaintiff,  
vs.

**CASE NO.: CV08-08297 SVW (FFMx)  
SPECIAL INTERROGATORIES, SET  
ONE**

ERICA L. BRACHFELD, A  
PROFESSIONAL CORPORATION, a  
California professional corporation;  
ERICA LYNN BRACHFELD, an  
individual; and DOES 1 through 10,  
inclusive,  
Defendants.

**PROPOUNDING PARTY : plaintiff CATHERINE BUI  
ANSWERING PARTY : defendant ERICA L. BRACHFELD  
SET NUMBER : One**

Pursuant to Federal Rules of Civil Procedure rule 33, plaintiff CATHERINE BUI propounds the following special interrogatories, set One. Pursuant to Rule 26(e), defendant ERICA L. BRACHFELD. has a duty to supplement the responses if defendant ERICA L. BRACHFELD learns that the responses are in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the propounding party in discovery or in writing.

## **I. DEFINITIONS.**

A. YOU. The term "YOU" shall refer to Erica L. Brachfeld, individually, and any debt collection company owned in full or in part by Erica L. Brachfeld which attempted to collect any debt from the Plaintiff herein during the past three years.

B. PERSON / IDENTIFY. As used herein, the term PERSON refers to natural people i.e., human beings, corporations, partnerships, joint ventures, or associations of any kind. The term IDENTIFY, used in connection with PERSONS, shall mean to state the name, last known address, and last known telephone number of.

C. DOCUMENT / IDENTIFY. As used herein, the term DOCUMENT shall have the meaning provided by California Evidence Code section 250 for the term "Writing," specifically: "'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." The term IDENTIFY, used in connection with DOCUMENTS, shall mean to state the date, title, and, if not apparent from the title, a brief description of the DOCUMENT, and the name and last known address and telephone number of each PERSON who has the original or a copy.

## **II. SPECIAL INTERROGATORIES.**

### **SPECIAL INTERROGATORY NO. 1:**

For each time that YOU communicated with Plaintiff, either orally or in writing, please:

- a) State the date of the communication;
- b) IDENTIFY all persons known by YOU to have knowledge of such communication; and

1 c) IDENTIFY all DOCUMENTS which reflect, pertain to, relate to, or deal  
2 with that communication.

3  
4 SPECIAL INTERROGATORY NO. 2:

5 IDENTIFY by caption, court, case number, and result all litigation filed against  
6 YOU alleging violations of the Fair Debt Collection Practices Act.

7  
8 SPECIAL INTERROGATORY NO. 3:

9 For each communication YOU had with any PERSON relating to, regarding, dealing  
10 with, mentioning, or in any way about Plaintiff, whether oral or written, please:

11 a) State the date of the communication;

12 b) IDENTIFY all persons known by YOU to have knowledge of such  
13 communication; and

14 c) IDENTIFY all DOCUMENTS which reflect, pertain to, relate to, or deal  
15 with that communication.

16  
17 SPECIAL INTERROGATORY NO. 4:

18 List all phone numbers YOU or anyone acting on YOUR behalf called in connection  
19 with YOUR attempts to collect any debt from the Plaintiff.

20  
21 SPECIAL INTERROGATORY NO. 5:

22 IDENTIFY any and all DOCUMENTS YOU received from the original creditor  
23 relating to, describing, summarizing, mentioning, or in any way about the Plaintiff.

24  
25 SPECIAL INTERROGATORY NO. 6:

26 State the names, aliases, job titles, business and home addresses and telephone  
27 numbers, date of initial employment and date of and reason for termination of each  
28 of YOUR employees

- 1 a) who contacted Plaintiff or another person relating to Plaintiff's alleged debt;  
2 and  
3 b) who have left YOUR employment within the last three years.  
4

5 SPECIAL INTERROGATORY NO. 7:

6 Identify and describe each claim made under each liability insurance policy in the  
7 last three years, including the date of the claim, the claim number, the subject of the  
8 claim, the status of the claim, the resolution of the claim, and any amounts paid  
9 under each policy.  
10

11 SPECIAL INTERROGATORY NO. 8:

12 Identify any notices YOU have given to any insurer regarding Plaintiff's claim.  
13

14 SPECIAL INTERROGATORY NO. 9:

15 With regard to the debt allegedly owed by the Plaintiff, itemize the amount of each  
16 portion of the debt and the authority therefor.  
17

18 SPECIAL INTERROGATORY NO. 10:

19 Describe the maintenance of all procedures utilized by YOU to avoid violations of  
20 the Fair Debt Collection Practices Act.  
21

22 SPECIAL INTERROGATORY NO. 11:

23 If YOU are affiliated with any other organization (e.g., common ownership,  
24 overlapping offices or facilities, overlapping officers, managers, directors or  
25 employees), describe the affiliation and IDENTIFY the participants.  
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1 SPECIAL INTERROGATORY NO. 12:

2 Describe in detail any system(s) maintained or operated by YOU to record or  
3 memorialize contacts YOUR employees, agents or contractors have with consumers  
4 or third parties in connection with the collection of consumer accounts, and YOUR  
5 policies for operating the system(s).

6  
7 SPECIAL INTERROGATORY NO. 13:

8 If YOU provide training to new employees or independent contractors involved in  
9 the collection of consumer accounts, please:

- 10 a) Describe the training content, timing and duration;  
11 b) IDENTIFY all DOCUMENTS and audio or visual materials used in such  
12 training; and  
13 c) IDENTIFY each PERSON involved in such training.

14  
15  
16 DATED: March 25, 2009

Respectfully submitted,

17  
18 By: 

19 AIDAN BUTLER  
20 Attorney for Plaintiff  
21 CATHERINE BUI  
22  
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PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 3540 Wilshire Boulevard, Suite 1030, Los Angeles, California 90010.

On March 25, 2009, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Los Angeles, addressed as follows:

DOCUMENT SERVED : **SPECIAL INTERROGATORIES, SET ONE**

PARTIES SERVED :

Larissa G. Nefulda  
CARLSON & MESSER, LLP  
5959 W. Century Blvd., Suite 1214  
Los Angeles, CA 90045  
Fax: (310) 242-2222


☒ (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be personally delivered by hand to the offices of the addressee(s).

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED at Los Angeles, California on March 25, 2009.

  
Aidan Butler

**EXHIBIT "2"**



Aidan W. Butler (SBN 208399)  
Attorney at Law  
3540 Wilshire Blvd. Suite 1030  
Los Angeles, California 90010  
Telephone: (213) 388-5168  
Telecopier: (213) 388-5178

Attorneys for Plaintiff CATHERINE BUI

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CATHERINE BUI, an individual,  
Plaintiff,  
vs.

ERICA L. BRACHFELD, A  
PROFESSIONAL CORPORATION, a  
California professional corporation;  
ERICA LYNN BRACHFELD, an  
individual; and DOES 1 through 10,  
inclusive,  
Defendants.

**CASE NO.: CV08-08297 SVW (FFMx)**  
**REQUESTS FOR PRODUCTION OF  
DOCUMENTS , SET ONE**

**PROPOUNDING PARTY : plaintiff CATHERINE BUI**  
**ANSWERING PARTY : defendant ERICA L. BRACHFELD**  
**SET NUMBER : One**

Pursuant to Federal Rules of Civil Procedure section 34, plaintiff  
CATHERINE BUI propounds the following requests for production of documents,  
set One, upon defendant ERICA L. BRACHFELD. Original responsive documents  
are to be delivered for inspection and copying at 11:00 am on April 27, 2009, to the  
offices of Aidan Butler, 3540 Wilshire Boulevard, Suite 1030, Los Angeles,  
California 90010. If true and correct copies of all of the following documents are

delivered by aforesaid date, inspection of the originals is unnecessary. Pursuant to Rule 26(e), the responses to these requests must be supplemented.

DOCUMENT REQUEST NO. 1:

All DOCUMENTS relating to, reflecting, pertaining to, memorializing, or describing YOUR attempts to collect money from CATHERINE BUI.

(As used herein, the term "YOU" shall refer to Erica L. Brachfeld, individually, and any debt collection company owned in full or in part by Erica L. Brachfeld which attempted to collect any debt from the Plaintiff herein during the past three years.

The term DOCUMENT shall have the meaning provided by Evidence Code section 250 for the term "Writing," specifically: "'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.")

DOCUMENT REQUEST NO. 2:

All DOCUMENTS which YOU sent, delivered, or transmitted to CATHERINE BUI.

DOCUMENT REQUEST NO. 3:

YOUR employee handbook.

DOCUMENT REQUEST NO. 4:

Any and all printed materials -- including but not limited to training manuals -- which YOU have used in the past three years in training YOUR employees.

DOCUMENT REQUEST NO. 5:

All DOCUMENTS -- including but not limited to pleadings and discovery -- relating to or prepared in connection with any lawsuits YOUR company has defended in which YOUR company was alleged to have violated the FDCPA.

DOCUMENT REQUEST NO. 6:

All DOCUMENTS reflecting, memorializing, summarizing, or describing YOUR policies regarding compliance with the FDCPA.

DOCUMENT REQUEST NO. 7:

All DOCUMENTS reflecting, memorializing, summarizing, or describing YOUR policies regarding compliance with California's Rosenthal Fair Debt Collection Practices Act.

DOCUMENT REQUEST NO. 8:

Any and all communications -- including but not limited to email correspondences -- between YOU and any PERSON relating to, about, or dealing with CATHERINE BUI.

DOCUMENT REQUEST NO. 9:

All insurance contracts and/or policies under which any company may be required to provide a defense to YOU in this case.

DOCUMENT REQUEST NO. 10:

All records maintained by YOU of any and all oral communications between YOU and Plaintiff during the last two years.

DOCUMENT REQUEST NO. 11:

All DOCUMENTS which constitute letters, notices, inquiries, demands, or any other communication from YOU to Plaintiff during the last five years.

DOCUMENT REQUEST NO. 12:

All DOCUMENTS identified by YOU in YOUR initial disclosures.

DOCUMENT REQUEST NO. 13:

All DOCUMENTS which constitute, reflect, or relate to any contract or agreement between YOU and any creditor, pursuant to which YOU attempted to collect any debt allegedly owed by Plaintiff.

DOCUMENT REQUEST NO. 14:

All DOCUMENTS received by YOU from any creditor relating to the Plaintiff herein, within the past five years.

DOCUMENT REQUEST NO. 15:

All DOCUMENTS identified by YOU in YOUR responses to the concurrently served special interrogatories, set one.

DOCUMENT REQUEST NO. 16:

All financial reports and statements to investors during the last two years relating to any debt collection company owned, in full or in part, by YOU.

DOCUMENT REQUEST NO. 17:

All of YOUR income tax returns filed during the last two years by any debt collection company owned in full or in part by YOU which attempted to collect any debt from the Plaintiff herein.

DOCUMENT REQUEST NO. 18:

YOUR entire file relating to the Plaintiff herein.

DOCUMENT REQUEST NO. 19:

All DOCUMENTS which support the first affirmative defense of YOUR answer, failure to state a claim.

DOCUMENT REQUEST NO. 20:

All DOCUMENTS which support the second affirmative defense of YOUR answer, privilege.

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1 DOCUMENT REQUEST NO. 21:

2 All DOCUMENTS which support the third affirmative defense of YOUR answer,  
3 violation of constitutional rights.

4  
5 DATED: March 25, 2009

Respectfully submitted,

6  
7 By: 

AIDAN BUTLER  
Attorney for Plaintiff  
CATHERINE BUI

PROOF OF SERVICE

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES }

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 3540 Wilshire Boulevard, Suite 1030, Los Angeles, California 90010.

On March 25, 2009, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Los Angeles, addressed as follows:

DOCUMENT SERVED : **REQUESTS FOR PRODUCTION OF DOCUMENTS , SET ONE**

PARTIES SERVED :

Larissa G. Nefulda  
CARLSON & MESSER, LLP  
5959 W. Century Blvd., Suite 1214  
Los Angeles, CA 90045  
Fax: (310) 242-2222


☒ (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be personally delivered by hand to the offices of the addressee(s).

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED at Los Angeles, California on March 25, 2009.

  
Aidan Butler

**EXHIBIT “3”**

1 DAVID J. KAMINSKI (State Bar No. 128509)  
kaminskjd@cmtlaw.com  
2 LARISSA G. NEFULDA (State Bar No. 201903)  
nefuldal@cmtlaw.com  
3 CARLSON & MESSER LLP  
5959 W. Century Boulevard, Suite 1214  
4 Los Angeles, California 90045  
(310) 242-2200 Telephone  
5 (310) 242-2222 Facsimile  
6 Attorneys for Defendants,  
ERICA L. BRACHFELD, A.P.C. and ERICA L.  
7 BRACHFELD

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 CATHERINE BUI, an individual,  
12 Plaintiff,  
13 VS.

14 ERICA L. BRACHFELD, A  
15 PROFESSIONAL  
16 CORPORATION, a California  
professional corporation;  
17 Defendant.

CASE NO. CV 08-08297 SVW (FFMx)  
**DEFENDANT ERICA LYNN  
BRACHFELD'S RESPONSES TO  
PLAINTIFF'S INTERROGATORIES**

18  
19  
20 PROPOUNDING PARTY: Plaintiff, CATHERINE BUI

21 RESPONDING PARTY: Defendant, ERICA LYNN BRACHFELD

22 SET NO. ONE

23 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant  
24 ERICA LYNN BRACHFELD hereby responds to Plaintiff CATHERINE BUI's  
25 Interrogatories.

26 This responding party has not fully completed its investigation of the facts  
27 relating to this case, has not fully completed its discovery in this action, and has not  
28 fully completed its preparation for trial. All of the responses contained herein are



1 based only upon such information and documents presently available to and  
 2 specifically known to this responding party and disclose only those contentions  
 3 which are presently known to this responding party. It is anticipated that further  
 4 discovery, independent investigation, legal research and analysis will supply  
 5 additional facts, add meaning to the known facts, as well as establish entirely new  
 6 factual and legal conclusions, all of which may lead to substantial additions to,  
 7 changes and variations from the contentions set forth herein.

8 The following responses are given without prejudice to this responding  
 9 party's right to produce any evidence of any undiscovered fact or facts which this  
 10 responding party may later recall or locate. Responding party accordingly reserves  
 11 the right to change any and all responses herein as additional facts are ascertained,  
 12 analyses are made, legal research is completed and contentions are made. The  
 13 responses contained herein are made in a good faith effort to supply as much factual  
 14 information and as much specification of legal contentions as is presently known  
 15 but should in no way be to the detriment of this responding party in relation to  
 16 further discovery. It should further be noted that these discovery responses are  
 17 made solely for the purpose of this action.

## 18 **RESPONSES TO INTERROGATORIES**

### 19 **INTERROGATORY NO. 1:**

20 For each time that YOU communicated with Plaintiff, either orally or in  
 21 writing, please:

- 22 a) State the date of the communication;
- 23 b) IDENTIFY all persons known by YOU to have knowledge of such
- 24 communication; and
- 25 c) IDENTIFY all DOCUMENTS which reflect, pertain to, relate to, or deal
- 26 with that communication.

### 27 **RESPONSE TO INTERROGATORY NO. 1:**

28 Defendant objects to the interrogatory on the grounds it is vague and

1 ambiguous as to the term, "YOU." Subject to and without waiving said objections,  
2 Defendant responds as follows: Defendant will produce a copy of Erica L.  
3 Brachfeld, APC's collection notes relating to the subject account.

4 **INTERROGATORY NO. 2:**

5 IDENTIFY by caption, court, case number, and result all litigation filed  
6 against YOU alleging violations of the Fair Debt Collection Practices Act.

7 **RESPONSE TO INTERROGATORY NO. 2:**

8 Defendant objects to the interrogatory on the grounds it is vague and  
9 ambiguous, including vague and ambiguous as to the term, "YOU." Defendant  
10 further objects to the interrogatory on the grounds that it is overly broad, unduly  
11 burdensome, oppressive, and calls for information which is not relevant and not  
12 reasonably calculated to lead to the discovery of admissible evidence concerning  
13 Plaintiff's claims and Defendant's defenses.

14 **INTERROGATORY NO. 3:**

15 For each communication YOU had with any PERSON relating to, regarding,  
16 dealing with, mentioning, or in any way about Plaintiff, whether oral or written,  
17 please:

18 a) State the date of the communication;

19 b) IDENTIFY all persons known by YOU to have knowledge of such  
20 communication; and

21 c) IDENTIFY all DOCUMENTS which reflect, pertain to, relate to, or deal  
22 with that communication.

23 **RESPONSE TO INTERROGATORY NO. 3:**

24 Defendant objects to the interrogatory on the grounds it is vague and  
25 ambiguous as to the term, "YOU." Defendant further objects to the interrogatory on  
26 the grounds it calls for information which is protected by the attorney-client and/or  
27 work product privileges, is overly broad, unduly burdensome, and oppressive.  
28 Subject to and without waiving said objection, Defendant responds as follows:

1 Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes  
2 relating to the subject account.

3 **INTERROGATORY NO. 4:**

4 List all phone numbers YOU or anyone acting on YOUR behalf called in  
5 connection with YOUR attempts to collect any debt from the Plaintiff.

6 **RESPONSE TO INTERROGATORY NO. 4:**

7 Defendant objects to the interrogatory on the grounds it is vague and  
8 ambiguous as to the term, "YOU." Subject to and without waiving said objections,  
9 Defendant responds as follows: (714) 742-1417, (714) 742-3884, and (714) 775-  
10 0839.

11 **INTERROGATORY NO. 5:**

12 IDENTIFY any and all DOCUMENTS YOU received from the original  
13 creditor relating to, describing, summarizing, mentioning, or in any way about the  
14 Plaintiff.

15 **RESPONSE TO INTERROGATORY NO. 5:**

16 Defendant objects to the interrogatory on the grounds it is vague and  
17 ambiguous as to the term, "YOU." Subject to and without waiving said objections,  
18 Defendant responds as follows: Defendant does not have any items in its  
19 possession, custody and/or control responsive to the interrogatory.

20 **INTERROGATORY NO. 6:**

21 State the names, aliases, job titles, business and home addresses and  
22 telephone numbers, date of initial employment and date of and reason for  
23 termination of each of YOUR employees

24 a) who contacted Plaintiff or another person relating to Plaintiff's alleged  
25 debt;

26 and

27 b) who have left YOUR employment within the last three years.

28 ///

**RESPONSE TO INTERROGATORY NO. 6:**

Defendant objects to the interrogatory on the grounds it is vague and ambiguous as to the term, "YOUR." Subject to and without waiving said objections, Defendant responds as follows: Burt Edwards, former collector; Benny Delcastillo, collector; and Maritza Ambriz, collector.

**INTERROGATORY NO. 7:**

Identify and describe each claim made under each liability insurance policy in the last three years, including the date of the claim, the claim number, the subject of the claim, the status of the claim, the resolution of the claim, and any amounts paid under each policy.

**RESPONSE TO INTERROGATORY NO. 7:**

Defendant objects to the interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and oppressive. Defendant further objects to the interrogatory to the extent it calls for information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence concerning Plaintiff's claims and Defendant's defenses.

**INTERROGATORY NO. 8:**

Identify any notices YOU have given to any insurer regarding Plaintiff's claim.

**RESPONSE TO INTERROGATORY NO. 8:**

Defendant objects to the interrogatory on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU." Subject to and without waiving said objections, Defendant responds as follows: Defendant has not made a claim to any insurance carrier arising out of Plaintiff's claim.

**INTERROGATORY NO. 9:**

With regard to the debt allegedly owed by the Plaintiff, itemize the amount of each portion of the debt and the authority therefor.

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**RESPONSE TO INTERROGATORY NO. 9:**

The principal amount of the debt is \$5,484.38. The interest is \$2,279.67.  
Credit Card Finance Agreement.

**INTERROGATORY NO. 10:**

Describe the maintenance of all procedures utilized by YOU to avoid  
violations of the Fair Debt Collection Practices Act.

**RESPONSE TO INTERROGATORY NO. 10:**

Defendant objects to the interrogatory on the grounds it is vague and  
ambiguous as to the term, "YOU." Defendant further objects to the interrogatory on  
the grounds it calls for proprietary and confidential information and calls for  
information which is not relevant and not reasonably calculated to lead to the  
discovery of admissible evidence concerning Plaintiff's claims and Defendant's  
defendants thereto.

Subject to and without waiving said objections, Defendant responds as  
follows: Once an appropriate protective order is entered, Defendant will produce  
relevant portions of Erica L. Brachfeld, APC's policies and procedures that concern  
Plaintiff's claims.

**INTERROGATORY NO. 11:**

If YOU are affiliated with any other organization (e.g., common ownership,  
overlapping offices or facilities, overlapping officers, managers, directors or  
employees), describe the affiliation and IDENTIFY the participants.

**RESPONSE TO INTERROGATORY NO. 11:**

Defendant objects to the interrogatory on the grounds it is vague and  
ambiguous as to the term, "YOU." Defendant further objects to this interrogatory  
on the grounds it calls for information which is not relevant and not reasonably  
calculated to lead to the discovery of admissible evidence regarding Plaintiff's  
claims and Defendant's defenses.

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**INTERROGATORY NO. 12:**

Describe in detail any system(s) maintained or operated by YOU to record or memorialize contacts YOUR employees, agents or contractors have with consumers or third parties in connection with the collection of consumer accounts, and YOUR policies for operating the system(s).

**RESPONSE TO INTERROGATORY NO. 12:**

Defendant objects to the interrogatory on the grounds it is vague and ambiguous as to the term, "YOU." Defendant further objects to the interrogatory on the grounds it calls for proprietary and confidential information and calls for information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence concerning Plaintiff's claims and Defendant's defenses thereto.

Subject to and without waiving said objections, Defendant responds as follows: Defendant Erica L. Brachfeld, A.P.C. uses the CLS System for its collection notes. Defendant Erica L. Brachfeld, A.P.C. uses the Touch Star dialing system.

**INTERROGATORY NO. 13:**

If YOU provide training to new employees or independent contractors involved in the collection of consumer accounts, please:

- a) Describe the training content, timing and duration;
- b) IDENTIFY all DOCUMENTS and audio or visual materials used in such training; and
- c) IDENTIFY each PERSON involved in such training.

**RESPONSE TO INTERROGATORY NO. 13:**

Defendant objects to the interrogatory on the grounds it is vague and ambiguous as to the term, "YOU." Defendant further objects to the interrogatory on the grounds it calls for proprietary and confidential information and calls for information which is not relevant and not reasonably calculated to lead to the

1 discovery of admissible evidence concerning Plaintiff's claims and Defendant's  
2 defendants thereto.

3 Subject to and without waiving said objections, Defendant responds as  
4 follows: Once an appropriate protective order is entered, Defendant will produce  
5 relevant portions of Erica L. Brachfeld's policies and procedures that concern  
6 Plaintiff's claims.

7  
8 DATED: April 29, 2009

CARLSON & MESSER LLP

9  
10 By 

11 David J. Kaminski  
12 Larissa G. Nefulda  
13 Attorneys for Defendants,  
14 ERICA L. BRACHFELD, A.P.C. and  
15 ERICA L. BRACHFELD  
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CARLSON & MESSER LLP  
5959 W. CENTURY BOULEVARD, SUITE 1214  
LOS ANGELES, CALIFORNIA 90045



VERIFICATION

1  
2 UNITED STATES DISTRICT COURT )  
3 DISTRICT OF CALIFORNIA, CENTRAL ) ss.  
4 DISTRICT )

5 I have read the foregoing **DEFENDANT ERICA LYNN BRACHFELD'S RESPONSES**  
6 **TO PLAINTIFF'S INTERROGATORIES** and know its contents.

7 ☒

8 I, Erica Lynn Brachfeld, am a party to this action. The matters stated in the  
9 foregoing **DEFENDANT ERICA LYNN BRACHFELD'S RESPONSES TO**  
10 **PLAINTIFF'S INTERROGATORIES** is true of my own knowledge except as  
11 to those matters which are stated on information and belief, and as to those  
12 matters I believe them to be true.

13 ☐

14 I am authorized to make this verification on behalf of ERICA L. BRACHFELD,  
15 APC I have read the foregoing **DEFENDANT ERICA LYNN BRACHFELD'S**  
16 **RESPONSES TO PLAINTIFF'S INTERROGATORIES** and know the  
17 contents thereof. To the extent that I have personal knowledge of the facts  
18 contained therein, the same are true and correct. Insofar as said facts are based on  
19 a composite of information of many individuals, I do not have personal  
20 knowledge concerning all of the information contained in said Answers and  
21 Responses, but I am informed and believe that the information set forth therein  
22 for which I lack personal knowledge is true and correct.

23 ☐

24 I am one of the attorneys/party to this action. Such party is absent from the  
25 county of aforesaid where such attorneys have their offices, and I am make this  
26 verification for and on behalf of that party for that reason. I am informed and  
27 believe and on that ground allege that the matters stated in the foregoing  
28 document(s) are true.

I declare under penalty of perjury under the laws of the State of California and United States  
of America that the foregoing is true and correct.

Executed on the \_\_\_\_ day of April, 2009, in Torrance, California.

By

  
Erica Lynn Brachfeld, APC



**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 5959 W. Century Boulevard, Suite 1214, Los Angeles, California 90045.

On May 1, 2009, I served the foregoing document described as: **DEFENDANT ERICA LYNN BRACHFELD'S RESPONSES TO PLAINTIFF'S INTERROGATORIES** on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**



(BY MAIL)

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I transmitted via telecopier machine such document to the offices of the addressees.



(Federal)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this 1st day of May, 2009 at Los Angeles, California.

  
Linda Brooks

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**SERVICE LIST**  
**Catherine Bui v. Erica L. Brachfeld, a Professional Corporation**  
**05868.00**

Aidan W. Butler  
Attorney at Law  
3540 Wilshire Blvd.  
Suite 1030  
Los Angeles, CA 90010  
Tele: (213) 388-5168  
Fax: (213) 388-5178

**Attorney for Plaintiff:**  
**CATHERINE BUI**

**EXHIBIT "4"**

1 DAVID J. KAMINSKI (State Bar No. 128509)  
2 kaminskd@cmtlaw.com  
3 LARISSA G. NEFULDA (State Bar No. 201903)  
4 nefuldal@cmtlaw.com  
5 CARLSON & MESSER LLP  
6 5959 W. Century Boulevard, Suite 1214  
7 Los Angeles, California 90045  
8 (310) 242-2200 Telephone  
9 (310) 242-2222 Facsimile  
10  
11 Attorneys for Defendants,  
12 ERICA L. BRACHFELD, A.P.C. and ERICA L.  
13 BRACHFELD

14  
15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
17

18 CATHERINE BUI, an individual,  
19 Plaintiff,

20 VS.

21 ERICA L. BRACHFELD, A  
22 PROFESSIONAL  
23 CORPORATION, a California  
24 professional corporation;  
25 Defendant.

CASE NO. CV 08-08297 SVW (FFMx)

**DEFENDANT ERICA LYNN  
BRACHFELD'S RESPONSES TO  
PLAINTIFF'S REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

26 PROPOUNDING PARTY: Plaintiff, CATHERINE BUI

27 RESPONDING PARTY: Defendant, ERICA LYNN BRACHFELD

28 SET NO. ONE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant ERICA LYNN BRACHFELD hereby responds to Plaintiff CATHERINE BUI's Interrogatories.

This responding party has not fully completed its investigation of the facts relating to this case, has not fully completed its discovery in this action, and has not fully completed its preparation for trial. All of the responses contained herein are

1 based only upon such information and documents presently available to and  
2 specifically known to this responding party and disclose only those contentions  
3 which are presently known to this responding party. It is anticipated that further  
4 discovery, independent investigation, legal research and analysis will supply  
5 additional facts, add meaning to the known facts, as well as establish entirely new  
6 factual and legal conclusions, all of which may lead to substantial additions to,  
7 changes and variations from the contentions set forth herein.

8 The following responses are given without prejudice to this responding  
9 party's right to produce any evidence of any undiscovered fact or facts which this  
10 responding party may later recall or locate. Responding party accordingly reserves  
11 the right to change any and all responses herein as additional facts are ascertained,  
12 analyses are made, legal research is completed and contentions are made. The  
13 responses contained herein are made in a good faith effort to supply as much factual  
14 information and as much specification of legal contentions as is presently known  
15 but should in no way be to the detriment of this responding party in relation to  
16 further discovery. It should further be noted that these discovery responses are  
17 made solely for the purpose of this action.

## 18 **RESPONSES TO DOCUMENT REQUESTS**

### 19 **DOCUMENT REQUEST NO. 1:**

20 All DOCUMENTS relating to, reflecting, pertaining to, memorializing, or  
21 describing YOUR attempts to collect money from CATHERINE BUI.

22 (As used herein, the term "YOU" shall refer to Erica L. Brachfeld, individually, and  
23 any debt collection company owned in full or in part by Erica L. Brachfeld which  
24 attempted to collect any debt from the Plaintiff herein during the past three years.  
25 The term DOCUMENT shall have the meaning provided by Evidence Code section  
26 250 for the term "Writing," specifically: "'Writing' means handwriting, typewriting,  
27 printing, photostating, photographing, photocopying, transmitting by electronic mail  
28 or facsimile, and every other means of recording upon any tangible thing any form

1 of communication or representation, including letters, words, pictures, sounds, or  
2 symbols, or combinations thereof, and any record thereby created, regardless of the  
3 manner in which the record has been stored.”)

4 **RESPONSE TO DOCUMENT REQUEST NO. 1:**

5 Defendant objects to the request on the grounds it is vague and ambiguous as  
6 to the term, “YOUR.” Subject to and without waiving said objections, Defendant  
7 responds as follows: Defendant will produce a copy of Erica L. Brachfeld, APC’s  
8 collection notes relating to the subject account.

9 **DOCUMENT REQUEST NO. 2:**

10 All DOCUMENTS which YOU sent, delivered, or transmitted to  
11 CATHERINE BUI.

12 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

13 Defendant objects to the request on the grounds it is vague and ambiguous as  
14 to the term, “YOU.” Subject to and without waiving said objections, Defendant  
15 responds as follows: A sample of the letter sent to Plaintiff on July 29, 2008 will be  
16 produced.

17 **DOCUMENT REQUEST NO. 3:**

18 YOUR employee handbook.

19 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

20 Defendant objects to the request on the grounds it is vague and ambiguous as  
21 to the term, “YOU.” Defendant further objects to the interrogatory on the grounds it  
22 is overly broad, unduly burdensome, calls for proprietary and confidential  
23 information and calls for information which is not relevant and not reasonably  
24 calculated to lead to the discovery of admissible evidence concerning Plaintiff’s  
25 claims and Defendant’s defendants thereto.

26 Subject to and without waiving said objections, Defendant responds as  
27 follows: Once an appropriate protective order is entered, Defendant will produce  
28 relevant portions of Erica L. Brachfeld, APC’s policies and procedures that concern

1 Plaintiff's claims.

2 **DOCUMENT REQUEST NO. 4:**

3 Any and all printed materials -- including but not limited to training manuals -  
4 - which YOU have used in the past three years in training YOUR employees.

5 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

6 Defendant objects to the request on the grounds it is vague and ambiguous as  
7 to the term, "YOU." Defendant further objects to the interrogatory on the grounds it  
8 is overly broad, unduly burdensome, calls for proprietary and confidential  
9 information and calls for information which is not relevant and not reasonably  
10 calculated to lead to the discovery of admissible evidence concerning Plaintiff's  
11 claims and Defendant's defenses thereto.

12 Subject to and without waiving said objections, Defendant responds as  
13 follows: Once an appropriate protective order is entered, Defendant will produce  
14 relevant portions of Erica L. Brachfeld, APC's policies and procedures that concern  
15 Plaintiff's claims.

16 **DOCUMENT REQUEST NO. 5:**

17 All DOCUMENTS -- including but not limited to pleadings and discovery --  
18 relating to or prepared in connection with any lawsuits YOUR company has  
19 defended in which YOUR company was alleged to have violated the FDCPA.

20 **RESPONSE TO DOCUMENT REQUEST NO. 5:**

21 Defendant objects to the request on the grounds it is vague and ambiguous,  
22 including vague and ambiguous as to the term, "YOUR." Defendant further objects  
23 to the interrogatory on the grounds that it is overly broad, unduly burdensome,  
24 oppressive, and calls for information which is not relevant and not reasonably  
25 calculated to lead to the discovery of admissible evidence concerning Plaintiff's  
26 claims and Defendant's defenses.

27 **DOCUMENT REQUEST NO. 6:**

28 All DOCUMENTS reflecting, memorializing, summarizing, or describing

1 YOUR policies regarding compliance with the FDCPA.

2 **RESPONSE TO DOCUMENT REQUEST NO. 6:**

3 Defendant objects to the request on the grounds it is vague and ambiguous as  
4 to the term, "YOU." Defendant further objects to the interrogatory on the grounds it  
5 is overly broad, unduly burdensome, calls for proprietary and confidential  
6 information and calls for information which is not relevant and not reasonably  
7 calculated to lead to the discovery of admissible evidence concerning Plaintiff's  
8 claims and Defendant's defendants thereto.

9 Subject to and without waiving said objections, Defendant responds as  
10 follows: Once an appropriate protective order is entered, Defendant will produce  
11 relevant portions of Erica L. Brachfeld, APC's policies and procedures that concern  
12 Plaintiff's claims.

13 **DOCUMENT REQUEST NO. 7:**

14 All DOCUMENTS reflecting, memorializing, summarizing, or describing  
15 YOUR policies regarding compliance with California's Rosenthal Fair Debt  
16 Collection Practices Act.

17 **RESPONSE TO DOCUMENT REQUEST NO. 7:**

18 Defendant objects to the request on the grounds it is vague and ambiguous as  
19 to the term, "YOU." Defendant further objects to the interrogatory on the grounds it  
20 is overly broad, unduly burdensome, calls for proprietary and confidential  
21 information and calls for information which is not relevant and not reasonably  
22 calculated to lead to the discovery of admissible evidence concerning Plaintiff's  
23 claims and Defendant's defendants thereto.

24 Subject to and without waiving said objections, Defendant responds as  
25 follows: Once an appropriate protective order is entered, Defendant will produce  
26 relevant portions of Erica L. Brachfeld, APC's policies and procedures that concern  
27 Plaintiff's claims.

28 ///



CARLSON & MESSER LLP  
5959 W. CENTURY BOULEVARD, SUITE 1214  
LOS ANGELES, CALIFORNIA 90045

**DOCUMENT REQUEST NO. 8:**

Any and all communications -- including but not limited to email correspondences -- between YOU and any PERSON relating to, about, or dealing with CATHERINE BUI.

**RESPONSE TO DOCUMENT REQUEST NO. 8:**

Defendant objects to the request on the grounds it is vague and ambiguous as to the term, "YOU." Defendant further objects to the interrogatory on the grounds it calls for information which is protected by the attorney-client and/or work product privileges, is overly broad, unduly burdensome, and oppressive. Subject to and without waiving said objection, Defendant responds as follows: Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes relating to the subject account.

**DOCUMENT REQUEST NO. 9:**

All insurance contracts and/or policies under which any company may be required to provide a defense to YOU in this case.

**RESPONSE TO DOCUMENT REQUEST NO. 9:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU." Subject to and without waiving said objections, Defendant responds as follows: Defendant has not made a claim to any insurance carrier arising out of Plaintiff's claim.

**DOCUMENT REQUEST NO. 10:**

All records maintained by YOU of any and all oral communications between YOU and Plaintiff during the last two years.

**RESPONSE TO DOCUMENT REQUEST NO. 10:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU." Subject to and without waiving said objections, Defendant responds as follows: Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes relating to the subject account.

**DOCUMENT REQUEST NO. 11:**

All DOCUMENTS which constitute letters, notices, inquiries, demands, or any other communication from YOU to Plaintiff during the last five years.

**RESPONSE TO DOCUMENT REQUEST NO. 11:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU." Subject to and without waiving said objections, Defendant responds as follows: Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes relating to the subject account and a sample of the collection letter sent to Plaintiff on July 29, 2008.

**DOCUMENT REQUEST NO. 12:**

All DOCUMENTS identified by YOU in YOUR initial disclosures.

**RESPONSE TO DOCUMENT REQUEST NO. 12:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU." Subject to and without waiving said objections, Defendant responds as follows: Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes relating to the subject account and a sample of the collection letter sent to Plaintiff on July 29, 2008.

**DOCUMENT REQUEST NO. 13:**

All DOCUMENTS which constitute, reflect, or relate to any contract or agreement between YOU and any creditor, pursuant to which YOU attempted to collect any debt allegedly owed by Plaintiff.

**RESPONSE TO DOCUMENT REQUEST NO. 13:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU," is overly broad, unduly burdensome, and oppressive. Defendant further objects to the request on the grounds it calls for information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiff's claims and Defendant's defenses.

**DOCUMENT REQUEST NO. 14:**

All DOCUMENTS received by YOU from any creditor relating to the Plaintiff herein, within the past five years.

**RESPONSE TO DOCUMENT REQUEST NO. 14:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU," is overly broad, unduly burdensome, and oppressive. Defendant further objects to the request on the grounds it calls for information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiff's claims and Defendant's defenses. Subject to and without waiving said objections, Defendant responds as follows: After a reasonable search and diligent inquiry, Defendant responds that it does not have any items in its possession, custody and/or control responsive to this request.

**DOCUMENT REQUEST NO. 15:**

All DOCUMENTS identified by YOU in YOUR responses to the concurrently served special interrogatories, set one.

**RESPONSE TO DOCUMENT REQUEST NO. 15:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU" or "YOUR." Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes relating to the subject account and a sample of the collection letter sent to Plaintiff on July 29, 2008.

**DOCUMENT REQUEST NO. 16:**

All financial reports and statements to investors during the last two years relating to any debt collection company owned, in full or in part, by YOU.

**RESPONSE TO DOCUMENT REQUEST NO. 16:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOU." Defendant further objects to the request on the grounds the request is overly broad, unduly burdensome,

1 oppressive, and it calls for information which is not relevant and not reasonably  
2 calculated to lead to the discovery of admissible evidence regarding Plaintiff's  
3 claims and Defendant's defenses.

4 **DOCUMENT REQUEST NO. 17:**

5 All of YOUR income tax returns filed during the last two years by any debt  
6 collection company owned in full or in part by YOU which attempted to collect any  
7 debt from the Plaintiff herein.

8 **RESPONSE TO DOCUMENT REQUEST NO. 17:**

9 Defendant objects to the request on the grounds it is vague and ambiguous,  
10 including vague and ambiguous as to the term, "YOU." Defendant further objects  
11 to the request on the grounds the request is overly broad, unduly burdensome,  
12 oppressive, and it calls for information which is not relevant and not reasonably  
13 calculated to lead to the discovery of admissible evidence regarding Plaintiff's  
14 claims and Defendant's defenses.

15 **DOCUMENT REQUEST NO. 18:**

16 YOUR entire file relating to the Plaintiff herein.

17 **RESPONSE TO DOCUMENT REQUEST NO. 18:**

18 Defendant objects to the request on the grounds it is vague and ambiguous,  
19 including vague and ambiguous as to the term, "YOUR." Defendant further objects  
20 to the request on the grounds the request calls for information which is protected by  
21 the attorney-client and/or work product privileges. Subject to and without waiving  
22 said objections, Defendant responds as follows: Defendant will produce a copy of  
23 Erica L. Brachfeld, APC's collection notes relating to the subject account and a  
24 sample of the collection letter sent to Plaintiff on July 29, 2008.

25 **DOCUMENT REQUEST NO. 19:**

26 All DOCUMENTS which support the first affirmative defense of YOUR  
27 answer, failure to state a claim.

28 ///

**RESPONSE TO DOCUMENT REQUEST NO. 19:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOUR." Subject to and without waiving said objections, Defendant responds as follows: Defendant will produce a copy of Erica L. Brachfeld, APC's collection notes relating to the subject account and a sample of the collection letter sent to Plaintiff on July 29, 2008.

**DOCUMENT REQUEST NO. 20:**

All DOCUMENTS which support the second affirmative defense of YOUR answer, privilege.

**RESPONSE TO DOCUMENT REQUEST NO. 20:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOUR." Subject to and without waiving said objections, Defendant responds as follows: Defendant does not any documents at this time. Defendant reserves the right to supplement this response.

**DOCUMENT REQUEST NO. 21:**

All DOCUMENTS which support the third affirmative defense of YOUR answer, violation of constitutional rights.

**RESPONSE TO DOCUMENT REQUEST NO. 21:**

Defendant objects to the request on the grounds it is vague and ambiguous, including vague and ambiguous as to the term, "YOUR." Subject to and without waiving said objections, Defendant responds as follows: Defendant does not any documents at this time. Defendant reserves the right to supplement this response.

DATED: April 29, 2009

CARLSON & MESSER LLP

By 

David J. Kaminski  
Larissa G. Nefulda  
Attorneys for Defendants,  
ERICA L. BRACHFELD, A.P.C. and  
ERICA L. BRACHFELD

03/24/2009

Paul Nyce  
 TRAK AMERICA ARROW  
 600 Broadhollow Rd  
 Melville, NY 11747

FIRM FILE #: TA054117  
 YOUR FILE #: 6019182302180890

Creditor: GE MONEY BANK

vs.

Debtor: BUI/CATHERINE

Original Claim: \$ 5484.38

Judgment Amount: 0

Balance Due: \$ 5745.38

Court Case Number:

PAPERLESS FILE

=====

07/29/08 EDI				
09:56:23		*Memo	INSTRUCTION 6815C	
		*Memo	Client FILE# B325460	
		*Memo	DEBTOR01 EMP PHONE: 7147421417	
		91	New Claim Entry	\$5,484.38
		MJB		
10:41:48		Xack	Claim Acknowledgment	
11:10:23		Demand1	FIRST DEMAND LETTER & GLB	
07/30/08 MJB				
07:51:52		Tuaddr		16606 REDWOOD
		Tucsz	FOUNTAIN VALLEY, CA 92708	
		Tuphone	07750839	
		Tudob	7/22/1986	
		Tuscore		720

B00001

	Avlcre	300
EDI		
08:34:36	Xscrub	ASSET, PHONE, AND ADDRESS
	"	:720 A 7/22/1986
07/31/08 MJB		
07:16:37	*Collctr	Added new collector #: 17
RJJ		
17:23:02	XCD	Called Debtor - See Notes CALLED DBTR AT PHN1 LFT
	"	MSG.....CGB
	*Del- 5	NEW-FIFTH CONTACT
	*Del- 1	NEW-FIRST CONTACT :ODBC-Diary:08/07/31
	*Add-2	NEW-SECOND CONTACT :ODBC-Diary:08/07/31
	XCD	Called Debtor - See Notes CALLED DBTR ON PHN2 TT LDY
	"	SD SHE DID NT KNOW DBTR WANTS NUM
	"	REMOVED.....CGB
17:24:59	*Claim	Claim:2 Fields Added
PH		
10:26:41	*Tsxfer	TS TRANSFER CALL 07/31/2008 - 714/742-3884
08/06/08 JRR		
09:11:30	*Del- 2	NEW-SECOND CONTACT :ODBC-Diary:08/07/31
	*Add-3	NEW-THIRD CONTACT :ODBC-Diary:08/07/31
PH		
10:12:20	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 08/06/2008 - 714/742-3884
08/14/08 ADG		
13:56:25	*Tsdrop	TS DROPPED CALL 08/13/2008 - 714/742-1417
08/13/08 PH		
13:56:25	*Tsdrop	TS DROPPED CALL 08/13/2008 - 714/742-1417
08/23/08 MJB		
09:59:11	*Tsdrop	TS DROPPED CALL 08/23/2008 - 714/742-3884
08/25/08 MJB		
13:30:40	*Tsdrop	TS DROPPED CALL 08/25/2008 - 714/742-1417
08/26/08 PH		
13:28:08	*Tsdrop	TS DROPPED CALL 08/26/2008 - 714/742-1417
08/27/08 PH		
10:10:49	*Tsdrop	TS DROPPED CALL 08/27/2008 - 714/742-3884
08/29/08 MJB		
09:17:15	*Tsnmlx	TS NO MESSAGE LEFT ON MACHI 08/29/2008 - 714/742-3884
09/03/08 KS		
11:58:10	XCD	Called Debtor - See Notes CLD RES LMOM...KMS
PH		
12:57:57	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 09/03/2008 - 714/742-1417
09/16/08 GV		
11:20:03	*Dbt001	Debtor:1 Fields Added
	*Del- 16	REQUEST SUIT

B00002



	*Add-520	REQUEST SUMMONS AND	
	*Claim	Claim:1 Fields Modified 5 Fields Added	
	*Plt_2	Added new Information	
	*Dffnd_1	Added new Information	
	*Paralgl	Paralegal #: Changed from 1 to 2	
	*Venuel	Added new Venue 1 #: #25	
	*Sherif1	Added new Sheriff 1 #: #2	
09/17/08 GV			
12:38:22	51	File Suit	\$180.00
	55	PROCESS SERVER	\$81.00
12:41:21	Jalssi	FILE & SERVICE INSTRUCTIONS	
	Jcvcsht	CIVIL CASE COVER SHEET	
	Jsummon1	LAWSUIT FILING	
	Xaffd	REQUEST AFFIDAVIT	
	Xmreq	MEDIA REQUEST	
09/18/08 JZC			
12:55:57	XCD	Called Debtor - See Notes CALLED DBTR AT PHN1 LFT	
	''	MSG.....CGB	
	*Del- 3	NEW-THIRD CONTACT :ODBC-Diary:08/07/31	
	*Add-4	NEW-FOURTH CONTACT :ODBC-Diary:08/07/31	
09/23/08 JL			
17:15:03	Xmedreq	REQUESTED MEDIA FROM CLIENT	
09/25/08 CCW			
16:57:54	XCD	Called Debtor - See Notes	
	''	LMC.....SAA 6036	
PH			
17:56:01	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 09/25/2008 - 714/742-3884	
10/08/08 JL			
16:52:03	T585dec	DEC - (IF STATEMENT FOR DP)	
10/22/08 PH			
23:14:01	*Collctr	Collector #: changed from 17 to 132	
10/23/08 JG			
09:08:55	XCD	Called Debtor - See Notes TEL RES: NO ANS, LM4 RTN	
	''	CB...JTAII	
	*Del- 4	NEW-FOURTH CONTACT :ODBC-Diary:08/07/31	
	*Add-602	HOT SKIP LOCATE :ODBC-Diary:08/07/31	
	*Del- 1	NEW-FIRST CONTACT :ODBC-Diary:08/10/22	
	*Add-7	GOOD PHONE :ODBC-Diary:08/10/22	
	XGP	GOOD PHONE	
	Xhot	HOT-CONTACT DEBTOR	
	*Add-15	HOT-CONTACT DEBTOR	
	*Claim	Claim:2 Fields Modified	
10/25/08 MRZ			
08:44:20	XCD	Called Debtor - See Notes LFT MSSGE ON VM AT	



		PHN1.....QDH	
10/23/08 PH			
10:08:55	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 10/23/2008 - 714/742-3884	
10/25/08 PH			
09:44:10	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 10/25/2008 - 714/742-3884	
11/03/08 JW			
17:38:12	Xlsotc	LAWSUIT OUT TO COURT-ALSSI CHECK #66172 FOR \$180.00	
11/06/08 ADG			
12:05:42	Xforward	CLAIM SENT TO ALSSI	
11/20/08 JCC			
09:48:11	xcd	Called Debtor - See Notes ph 1 and ph 2 lft	
		msg.....ph 714-775-0839	
10:04:29	*N/A	sw db sz she is a full time student and not	
		working, offered her \$4000 sif..sz she can not	
		do that.....	
10:06:57	xppa	PAYMENT PLAN IN EFFECT	
		db will do 3 good faith pmt \$200 and 2	
		\$300.....be	
	*Add-6	Payment Reminder	
	*Del- 6	Payment Reminder	
10:19:08	*Del- 7	GOOD PHONE :ODBC-Diary:08/10/22	
	*Add-7	GOOD PHONE	
	*Del- 15	HOT-CONTACT DEBTOR	
	*Add-15	HOT-CONTACT DEBTOR	
	*Del-602	HOT SKIP LOCATE :ODBC-Diary:08/07/31	
10:20:10	*Payschd	Promised first \$200.00 on 2008/11/30	
		Followed by 1 monthly payments of \$300.00	
		and a final payment of \$300.00 on 2009/01/30	
10:25:42	*Claim	Claim:2 Fields Modified 7 Fields Added	
	RJJ		
14:30:15	CGB	14:30 lmom 3884	
	RT		
15:29:40	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 11/20/2008 - 714/742-3884	
11/28/08 A37			
07:05:42	20	Collection CBP-16473-4706 \$200.00	
	CG		
10:35:28	BtchRmit	TA #:058490 in Rmit Rpt#:058699 \$200.00	
12/03/08 JCC			
10:53:23	xcd	Called Debtor - See Notes ph 1 and ph 2 lft msg on	
		mach....ph 714-775-0839lft msg on vm.....be	
	A37		
12:17:35	20	Collection NOACCT58490 -\$200.00	
	IC		
15:59:18	Xnsf	NON SUFFICIENT FUNDS	

B00004

B00005

12/08/08 JCC	13:32:01	xcd	Called Debtor - See Notes ph 1 lft msg for cb		
			asap.....ph 2 lft msg for cb.....ph 714-775-0839		
			bzy.....be		
14:16:24	Btchrmt	TA #059225 in Rmt Rpt#:059612			
12/10/08 ER					
08:52:43	xcd	Called Debtor - See Notes			
			dlr...ph hl na lmtc on vm...er2324		
11:44:28	xcd	Called Debtor - See Notes	ph 1 lft msg.....be		
09:56:14	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 12/10/2008 - 714/742-3884			
12/15/08 A75					
18:28:23	XCD	Called Debtor - See Notes	CALLED DBTR AT PHN1 LFT		
			MSG.....CGB		
19:21:42	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 12/15/2008 - 714/742-3884			
19:27:00	*Tstrlmx	TS CALLED RESIDENCE LEFT ME 12/15/2008 - 714/742-3884			
12/21/08 MAA					
17:18:24	XCD	Called Debtor - See Notes	OBC PHN #1 ADY ANSW SZ VERY		
			UPSET THAT SHE DOESNT KNOW DB SZ TO PLZ RMV PHN		
			SINCE WE HAVE LEFT MESSAGE SEVERAL TIMES.....AA		
17:24:38	Cont:	OBC 2ND PHN BUT NA.....MAA			
12/22/08 BDC					
15:12:50	xcd	Called Debtor - See Notes	714/742-3884 lft msgy..bd		
	*Del-	7	GOOD PHONE		
12/29/08 CDW					
12:31:08	xcd	Called Debtor - See Notes	12:31 cld 714-		
			cld 714-724-1417 lft mess on		
			mach.....erica		
12:32:44	*D2_strt	Added new information			
	*D2_cs2	Added new information			
01/05/09 PH					
11:23:06	*Collector	Collector #: changed from 132 to 3			
01/07/09 ADG					
14:55:22	AV	CHECK ALSSI WEBSITE AND SW BLANCA NOT RECV IN			
			THEIR OFFICE, AND CHECK TO COURT WEBSITE NO		
			FILING FOR THIS DEFENDANT, WILL REQ ACCT DEPT TO		
			REVIEW IF CHECK WAS CASHED		
01/09/09 JL					
13:57:38	T555arow	ARROW'S AFFIDAVIT			

01/14/09 JW			
14:47:55		Tansxc	ANSWER TO CROSS-COMPLAINT \$275.00
		' '	DATE X-COMPLAINT SERVED:JANUARY 6, 2009
01/15/09 IV			
13:25:02		Tansxc	ANSWER TO CROSS-COMPLAINT JANUARY 6, 2009 \$275.00
		' '	DATE X-COMPLAINT SERVED:JANUARY 6, 2009
01/16/09 JL			
13:27:29		T585arow	ARROW'S AFFIDAVIT
02/03/09 IV			
11:30:52		*Claim	Claim:1 Fields Added
02/23/09 JL			
18:48:11		*Claim	Claim:1 Fields Modified
		*Paralgl	Paralegal #: Changed from 2 to 43
21:33:18		Xmedaffd	RECEIVED CLIENT AFFIDAVITS
02/24/09 JL			
17:21:34		*Del-531	REQUEST AFFIDAVIT

## REPORT FILE

=====

02/25/09 EDI			
21:19:56		Xscrub	ASSET, PHONE, AND ADDRESS
		' '	:NA

**BRACHFELD ASSOCIATES**

A COLLECTION LAW FIRM

RE:

File #:

Principal Amount

Interest

Total Amount Due

Our law firm has been retained to collect from you the Total Amount Due listed above.

If you want to resolve this matter, please either pay the Total Amount Due or call our Law Firm at 888-856-2120 and work out arrangements for payment. If you do neither of these things, we will continue our collection efforts for the collection of this debt.

As of the date of this letter, you owe the total amount due listed above. Because of interest, or other charges that may vary from day to day, the total amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, write us or call our office toll free at 888-856-2120.

At this time, no attorney with this firm has personally reviewed the particular circumstances of your account.

Send your payments to:  
Brachfeld Law Group, P.C.  
P.O. Box 421088  
Houston, TX 77242-1088

Send overnight delivery to:  
Brachfeld Law Group, P.C.  
800 West Sam Houston Parkway  
South, Suite 200  
Houston, TX 77042

Send Correspondence to:  
Brachfeld Law Group, P.C.  
20300 S. Vermont Ave  
Suite 120  
Torrance, CA 90502

**UNLESS, WITHIN THIRTY DAYS AFTER RECEIPT OF THIS NOTICE, YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF, WE WILL ASSUME THE DEBT TO BE VALID. IF, WITHIN THIRTY DAYS AFTER YOUR RECEIPT OF THIS NOTICE, YOU NOTIFY US IN WRITING THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, WE WILL OBTAIN A VERIFICATION OF THE DEBT OR, IF THE DEBT IS FOUNDED UPON A JUDGMENT, A COPY OF ANY SUCH JUDGMENT, AND WE WILL MAIL TO YOU A COPY OF SUCH VERIFICATION OR JUDGMENT. IF THE ORIGINAL CREDITOR IS DIFFERENT FROM THE CREDITOR NAMED ABOVE, THEN UPON YOUR WRITTEN REQUEST WITHIN THIRTY DAYS AFTER THE RECEIPT OF THIS NOTICE WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR.**

**THE STATE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT AND THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT REQUIRE THAT, EXCEPT UNDER UNUSUAL CIRCUMSTANCES, COLLECTORS MAY NOT CONTACT YOU BEFORE 8:00 A.M. OR AFTER 9 P.M. THEY MAY NOT HARASS YOU BY USING THREATS OF VIOLENCE OR ARREST OR BY USING OBSCENE LANGUAGE. COLLECTORS MAY NOT USE FALSE OR MISLEADING STATEMENTS OR CALL YOU AT WORK IF THEY KNOW OR HAVE REASON TO KNOW THAT YOU MAY NOT RECEIVE PERSONAL CALLS AT WORK. FOR THE MOST PART, COLLECTORS MAY NOT TELL ANOTHER PERSON, OTHER THAN YOUR ATTORNEY OR SPOUSE, ABOUT YOUR DEBT. COLLECTORS MAY CONTACT ANOTHER PERSON TO CONFIRM YOUR LOCATION OR ENFORCE A JUDGMENT. FOR MORE INFORMATION ABOUT DEBT COLLECTION ACTIVITIES, YOU MAY CONTACT THE FEDERAL TRADE COMMISSION AT 1-877-FTC-HELP OR WWW.FTC.GOV.**

**NON PROFIT CREDIT COUNSELING SERVICES MAY BE AVAILABLE IN YOUR AREA.**

**THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.**

**B00007**

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I am employed in the County of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 5959 W. Century Boulevard, Suite 1214, Los Angeles, California 90045.

On May 1, 2009, I served the foregoing document described as: **DEFENDANT ERICA LYNN BRACHFELD'S RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS** on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

☒ (BY MAIL)

I sealed such envelope(s) and placed it (them) for collection and mailing on this date following the ordinary business practices of Carlson & Messer LLP. I am "readily familiar" with the business practices of Carlson & Messer LLP for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence would be deposited with the United States Postal Service at Los Angeles, California this same day in the ordinary course of business with postage thereon fully prepaid.

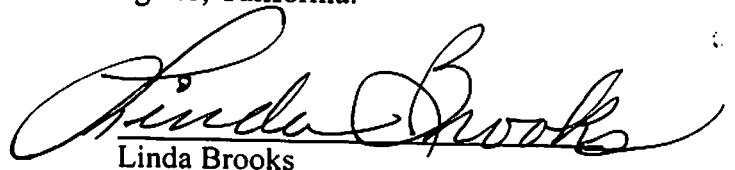
☐ (BY FACSIMILE)

I transmitted via telecopier machine such document to the offices of the addressees.

☒ (Federal)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this 1st day of May, 2009 at Los Angeles, California.

  
Linda Brooks

**SERVICE LIST**

**Catherine Bui v. Erica L. Brachfeld, a Professional Corporation**  
**05868.00**

Aidan W. Butler  
Attorney at Law  
3540 Wilshire Blvd.  
Suite 1030  
Los Angeles, CA 90010  
Tele: (213) 388-5168  
Fax: (213) 388-5178

**Attorney for Plaintiff:**  
**CATHERINE BUI**

**EXHIBIT “5”**

DAIDAN W BUTLER ATTORNEY AT LAW  
3540 WILSHIRE BOULEVARD SUITE 1030  
LOS ANGELES CALIFORNIA 90010  
TELEPHONE 213 388 5168  
FACSIMILE 213 388 5178  
TO CONTACT DAIDAN@GMAIL.COM

May 4, 2009

**VIA FACSIMILE TO (310) 273-9867 AND U.S. MAIL**

David J. Kaminski  
**Carlson & Messer**  
5959 W. Century Boulevard, Suite 1214  
Los Angeles, California 90045

Re: *Bui v. Brachfeld*  
*CACD Case No. CV08-08297 SVW (FFMx)*

Dear Counsel:

On Friday, May 1, 2009, I learned from my client that Brachfeld's collection agents have continued leaving messages on my client's and her sister's cell-phones – despite your client's clear awareness that Ms. Bui is represented by counsel. I attached copies of the messages to email to your associate, Larissa Nefulda. It is outrageous that even after your client is sued for violating the FDCPA, her office commits additional violations of the FDCPA – by communicating with a party known to be represented by counsel (in violation of 15 U.S.C. §1692c(a)(1)), and by improperly communicating with a third party (in violation of 15 U.S.C. §1692c(c)). Since your client is an attorney, her continued contacts with my client also violate CRPC 2-100. Given Mr. Brachfeld's past history with the State Bar, it is mind-boggling that he and his daughter should be so careless in their observance of the professional rules.

In any event, the harassment must stop immediately. If there are any further calls from your client's personnel to my client's family, I will seek injunctive relief.

Additionally, given your client's willful, egregious and apparently quite malicious conduct, I have rescinded all previous settlement offers in this case.

On another matter, I have reviewed your responses my client's requests for production and special interrogatories. The responses are universally evasive, factually barren, and – despite my willingness to grant your firm an extension of time to respond – indicative of bad faith. I have outlined the chief problems below. I will expect to meet with you at my office on Tuesday, May 12, 2009, at 1:30 pm to conduct a LR 37-1 pre-filing conference.

With regard to your response to requests 2 and 11, I do not want to see a “sample of the letter.” This is ridiculous. I want to see an actual copy of the letter that you apparently claim was



David J. Kaminsky  
Carlson & Messer  
May 4, 2009  
Page 2

sent.

With regard to Ms. Brachfeld's "collection notes," they are obviously incomplete. My client and her sister received additional calls from your client's office in April, 2009. None of these calls is reflected in the "collection notes."<sup>1</sup> Although your client's concealment of complete and accurate records is potentially quite self-destructive, I simply will not accept partly purged records. Your client is under a duty to produce complete and accurate responses to the discovery requests.

Your responses to requests 3, 4, 6, and 7 indicate that you will produce "relevant portions of Erica L. Brachfeld, APC's policies and procedures that concern Plaintiff's claims" only after "an appropriate protective order is entered."<sup>2</sup> You cannot condition your response to discovery on the existence of a protective order – especially where, as here, you neither proposed nor moved for one prior to producing responses; nor demonstrate any specific basis for seeking one. Should you file a motion for a protective order (which would have to be preceded by a 7-3 conference), the burden would be on you (Blankenship v. Hearst Corp. 519 F2d 418, 429 (9th Cir. 1975)) to make a clear showing of a particular and specific need for the order (Blankenship v. Hearst Corp. 519 F2d 418 (9th Cir. 1975)); further, even if you succeed in showing good cause, the court will still balance the interests in allowing discovery against the relative burdens to the parties (Wood v. McEwen 644 F2d 797 (9th Cir. 1981)). Let's be frank: There is no legitimate basis for a protective order in this case; this is a delaying tactic.

With regard to your response to request 9, seeking any and all insurance policies under which there may exist coverage for Plaintiff's claim, you responded, "Defendant has not made a claim to any insurance carrier arising out of Plaintiff's claim." I did not ask whether Ms. Brachfeld made a claim; I asked for a copy of any responsive policies.

Please refer to my email to Larissa Nefulda from last Friday, May 1, 2009: "... you have not provided a copy of the insurance policy which potentially covers my client's claim. We are entitled to this under rule 26, irrespective of whether Brachfeld has filed a claim on the policy or not. If I do not receive a complete copy of the policy (including the declarations page) by next

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<sup>1</sup> Though I note that your "collection notes" do reflect one call which occurred after I faxed and mailed my December 23, 2008 letter to Ms. Brachfeld, indicating my representation of Mr. Bui, and instructing her not to contact my client directly anymore. The call is dated December 29, 2008, and was recorded on the system by "Erica."

<sup>2</sup> A similar evasion was made in response to several of the interrogatories.

David J. Kaminsky  
Carlson & Messer  
May 4, 2009  
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Friday, I will file a motion to compel compliance with rule 26.”

Under both request 9 and Fed. R. Civ. Proc. 26(a), you are required to produce copies of any and all insurance contracts that may provide coverage. It is immaterial whether claims have yet been made. The rule is simple: “Any liability insurance policy that may be used to satisfy a potential judgment (including counterclaims and cross-claims) must be made available for inspection and copying as part of the insured party’s (defendant’s) initial disclosures (Fed. R. Civ. Proc. 26(a)(1)(A)(iv))”; “Such liability insurance policies, including all exhibits, addenda and the declaration page, must be made available for inspection and copying by plaintiffs without the necessity of a formal discovery request.” (Fed. R. Civ. Proc. 26(a)(1)(A)(iv).) (Schwarzer, et al., Cal. Prac. Guide: Federal Civ. Proc. Before Trial (Rutter Group, 2009), ¶11.290.) In this case, even with a formal, direct discovery request, you have attempted to avoid your discovery obligations. I am extremely disappointed by this gamesmanship.

Your response to request 15 – seeking all documents identified in Brachfeld’s interrogatory responses – was obviously incomplete. The response to interrogatory number 9 refers to a “Credit Card Finance Agreement,” which was not produced.

With regard to interrogatories 2 and 7, and request for production 5, all relating to past litigation and insurance claims based upon alleged FDCPA violations, this material is directly relevant to damages, F.R.E. 404(b) issues, Civil Code section 3294 factors, and any possible defense under 15 U.S.C. §1692k(c). It must be produced.

Your response to interrogatory 5 was seemingly incomplete. In your response to interrogatory number 9, you set forth the “principal debt” alongside the interest calculation of \$2,279.67. These figures are not reflected in the “collection notes.” They must be available to you in some other document – seemingly, one supplied by the creditor. What is that document? Why was it not produced?

Your response to interrogatory 6 was incomplete. You provided only names, but the interrogatory required also “aliases, job titles, business and home addresses and telephone numbers, date of initial employment and date and reason for termination.”<sup>3</sup>

Your response to interrogatory 11 is evasive. You object that the question is “not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiff’s claims

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<sup>3</sup> Contact information for these people was also omitted from your initial disclosures, despite the clear language of 26(a)(1)(A)(i).

David J. Kaminsky  
Carlson & Messer  
May 4, 2009  
Page 4

and Defendant's defenses," but this is simply wrong. Whether other potential defendants exist is directly relevant to my client's claims. Further, given Ms. Brachfeld's improper general denial, it seems quite plausible that she now seeks to pin the blame for the misconduct in this case on some other person or entity.

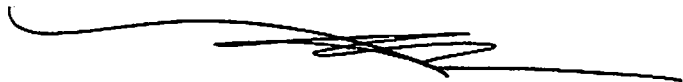
On the topic of Ms. Brachfeld's improper general denial, as I previously mentioned to Ms. Nefulda, the answers prepared by Ms. Brachfeld when she was *in pro se* did not comply with the rules. In my January 23, 2009, letter to Ms. Brachfeld, I wrote:

*I have received your answers (one filed on your own behalf, and one filed on behalf of your professional corporation). Neither answer conforms to Fed. R. Civ. Proc. 8(b), which provides, at subparagraph (3), "A party that intends in good faith to deny all the allegations of a pleading — including the jurisdictional grounds — may do so by a general denial. A party that does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted." [¶] It is extremely unlikely that you intend — in good faith — to deny, for instance, my allegations regarding jurisdiction (¶1), or my allegations regarding the nature of the parties (¶¶2, 3), or my allegation that you and your company constitute debt collectors within the meaning of 15 U.S.C. §1692a(6). Accordingly, your general denial is improper.*

Despite repeated assurances that the answer would be amended to comply with the Rules, this has not yet been done. Accordingly, our May 12, 2009, 37-1 conference will also serve as a 7-3 conference regarding my anticipated motion to strike.

Note that the foregoing does not exhaustively address each and every defect in your discovery responses, but rather sketches an overview. We will address the responses in detail in our in-person meeting.

Very sincerely,



AIDAN BUTLER

TRANSMISSION VERIFICATION REPORT

TIME : 05/04/2009 17:02  
NAME : AIDAN BUTLER ESQ  
FAX : 2133885178  
TEL : 2133885168  
SER. # : BROH6J525301

DATE, TIME	05/04 17:01
FAX NO./NAME	13102739867
DURATION	00:00:49
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

AIDAN W BUTLER ATTORNEY AT LAW  
3540 WILSHIRE BOULEVARD SUITE 1030  
LOS ANGELES CALIFORNIA 90010  
TELEPHONE 213 388 5168  
FACSIMILE 213 388 5178  
TO CONTACT AIDAN@GMAIL.COM

May 4, 2009

**VIA FACSIMILE TO (310) 273-9867 AND U.S. MAIL**

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Re: *Bui v. Brachfeld*  
*CACD Case No. CV08-08297 SVW (FFMx)*

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